

STATE EMPLOYEE HEALTH COMMISSION

BY-LAWS

Article I.

General

The State Employee Health Commission (SEHC) is established by statute (5 MRSA, Chapter 13, § 285-A) to serve as trustees of the group health and dental plans and to advise the Executive Director of Employee Health & Benefits and the Director of the Bureau of Human Resources on health insurance issues and of issues concerning employee health and wellness and the State Employee Assistance Program (EAP). The SEHC shall designate its advisory role regarding the Employee Assistance Program to the EAP Labor/Management Committee.

Article II.

The State Employee Health Commission consists of 24 labor and management members as follows:

- A. One labor member from each bargaining unit recognized under Title 26, chapter 9-B, appointed by the employee organization certified to represent the unit;
- B. One labor member from the largest bargaining unit recognized under Title 26, chapter 14, appointed by the employee organization authorized to represent the unit;
- C. One labor member appointed by the retiree chapter of the Maine State Employees Association;
- C-1. One labor member from Maine Turnpike Authority employees appointed by the employee organization authorized to represent the employees;
- C-2. One labor member from Maine Public Employees System employees, appointed by the employee organization authorized to represent the employees;
- C-3. One labor member from Maine Maritime Academy employees, appointed by the organization authorized to represent the employees;
- D. Four management members appointed by the Commissioner of Administrative and Financial Services;
- E. One management member appointed by the Court Administrators;
- F. The Executive Director of Health Insurance, ex officio;

- G. One member representing retirees appointed by the Maine Association of Retirees;
- H. One labor member from the Maine Community College System faculty or administrative unit, appointed by the employee organization authorized to represent the units;
- I. One management member from the Maine Community College System appointed by the President of the Maine Community College System;
- J. One management member appointed by the Executive Director of the Maine Turnpike Authority; and
- K. One management member appointed by the Executive Director of the Maine Public Employees Retirement System.
- L. One management member appointed by the President of the Maine Maritime Academy.

All appointed or elected members serve at the pleasure of their appointing or electing authorities.

Appointing or electing authorities may designate temporary alternative appointments in cases of illness, conflict with work assignments, or other acceptable absences. Alternative appointees shall not have voting privileges in either committee activities or SEHC meetings.

Article III.

Voting

All votes of the Commission must be one cast by labor and one cast by management. The votes must be cast by the labor co-chair who must be chosen by the labor members, and the vote must represent the majority opinion of the labor members of the Commission, and by the management co-chair who is the Director of the Bureau of Human Resources or the director's designee.

If a co-chair is unable to attend a meeting, the co-chair shall designate an alternative member of the SEHC to cast any required votes and to preside at the meeting.

Article IV.

Duties and Responsibilities

4.1 As trustees to the group health and dental insurance plans, the SEHC shall be charged with developing and approving Requests for Proposals (RFP) for the health and dental

plans and other benefit plans, evaluating the proposals in response to the RFPs, and selecting vendors to provide specified services. The SEHC may designate the Executive Director to perform duties in support of these activities. On behalf of the SEHC, the Executive Director may contract with independent organizations to provide consultant services.

4.2 The SEHC shall establish and appoint members to all standing and ad hoc committees. Standing committees shall consist of the following: Appeals, Plan Design, Wellness, and Legislative. Whenever possible, the composition of the standing committees shall reflect the proportionate representation of the SEHC.

Appeals Committee: 5 MRSA, Chapter 13, § 286 requires that all eligible employees and retirees may exercise appeal rights to be heard by officers designated by the SEHC. Rules and procedures provide that the Appeals Committee constitutes the first level of administrative appeals. If a subscriber has exhausted appeals provided by the insurer, the subscriber may request a hearing before the Appeals Committee. The Appeals Committee conducts hearings, engages in findings of facts, and renders written decisions. One member of the Appeals Committee shall be designated the hearing officer to manage the conduct of the hearing.

Plan Design: The SEHC may assign the Plan Design Committee the responsibility to research issues and develop proposals related to benefit design, copayments, coinsurance, collaborative purchasing, new products, and other topics which the SEHC determines require analysis and recommendations.

Wellness: The Wellness Committee is established to identify the under utilization of preventive services and high risk populations, to determine the feasibility of health improvement strategies, and to recommend implementation. The Wellness Committee is expected to coordinate activities with the health improvement/disease management personnel of the insurer and the Director of Employee Health & Safety.

Legislative: The Legislative Committee is established to evaluate proposals, determine the impact on the State employee group health and dental plans, and recommend policy positions. It is recognized that labor and management may have distinctly different perspectives on legislative proposals. The parties acknowledge that a position purported to represent that of the SEHC can only be officially presented after an affirmative vote of the SEHC.

Ad Hoc Committees: The SEHC may establish ad hoc committees as deemed necessary. The duties, power, and responsibilities of ad hoc committees shall be determined by the SEHC and no ad hoc committees shall have the authority to act on behalf of the SEHC.

Nonmembers of the SEHC may be appointed to serve as nonvoting members of any committee if so approved by the SEHC. Committee chairs shall be appointed by the SEHC co-chairs.

4.3 The SEHC shall establish overall goals and objectives for the SEHC and provide general guidance to the Executive Director by identifying strategic priorities.

4.4 Pursuant to Article VI.2, the SEHC shall amend the by-laws but only upon unanimous vote of the co-chairs. The SEHC shall adopt and promulgate rules governing the activities of the SEHC.

Article V.

Meetings

5.1 The SEHC shall conduct a minimum of ten (10) regularly scheduled meetings annually. Meeting notices shall be published as required by state law. No formal action shall be taken on SEHC business without the required public notice. Should a meeting be recessed to a subsequent day, that meeting is considered a continuance of the original meeting and no further public notice is required.

5.2 All meetings of the SEHC shall be held in public session except for meetings or discussions which relate directly to the evaluation and rating of proposals in response to RFPs or interviews conducted pursuant to vendor selection and appeals to the SEHC. A formal vote of the SEHC is required to empower the SEHC to meet in executive session. An official agenda shall be distributed to SEHC members at least seven (7) calendar days prior to any regularly scheduled meeting.

5.3 Special meetings of the SEHC may be called by the co-chairs provided that public notice requirements are fulfilled and members are provided at least seven (7) calendar days notice.

5.4 In order to conduct appeal hearings before the SEHC, a quorum of ten (10) members must be present. Of the ten (10) or more SEHC members in attendance, at least one-half (50%) of the members must not have participated in the Appeal Panel hearing for the case in question.

5.5 In order to retain status as a member in good standing, Commission members are required to attend at least 50% of all regularly scheduled meetings in each calendar year. Attendance may be in person, by conference call or teleconference. Failure to attend at least 50% of the regularly scheduled meetings in a calendar year or failure to attend four consecutive monthly meetings will result in the co-chairs requesting a replacement from the respective appointing authorities.

Article VI.

Miscellaneous

6.1 The issuance of written policy statements to represent the SEHC shall be approved by a vote of the SEHC or unanimous approval of the co-chairs. The SEHC may develop general guidelines or policy governing oral testimony or comments by SEHC members.

If a member is speaking on behalf of a particular constituency, the member shall provide a disclaimer indicating which constituency is being represented.

6.2 Amendments to these by-laws may be proposed and discussed at any regular or special meeting of the SEHC and must receive a unanimous vote of the co-chairs. Proposals to amend these by-laws shall be presented to the co-chairs in writing and distributed to SEHC members at least ten (10) calendar days prior to consideration by the SEHC.

6.3 The by-laws may be suspended by a unanimous vote of the co-chairs during any public meeting of the SEHC.

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